

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

APPROXIMATELY \$140,774.48 SEIZED
FROM WELLS FARGO BANK
ACCOUNT NUMBER 5934091793, AND

APPROXIMATELY \$11,700.31 SEIZED
FROM WELLS FARGO BANK
ACCOUNT NUMBER 6563035143,

Defendants.

2:23-cv-01989-CKD

ORDER AND FINDINGS AND
RECOMMENDATIONS

This United States has filed an *ex parte* motion for default judgment. ECF No. 16. There has been no appearance by or on behalf of any other person or entity claiming an interest in the above-captioned defendant funds to oppose the United States' motion. Based on the United States' motion and the files and records of the court, THE COURT FINDS as follows:

1. This action arose out of a Verified Complaint for Forfeiture *In Rem* filed September 14, 2023.

2. The United States has moved this Court, pursuant to Local Rule 540, for entry of default judgment of forfeiture against potential claimants Boeger Winery, Alexis Boeger, Convenience

1 Acquisition Company, LLC, the U.S. Small Business Administration, the Wells Fargo Bank Account
2 Holder, and Stanley Usherman.

3 3. The United States has shown that a complaint for forfeiture was filed; that potential
4 claimants Boeger Winery, Alexis Boeger, Convenience Acquisition Company, LLC, the U.S. Small
5 Business Administration, the Wells Fargo Bank Account Holder, and Stanley Usherman received
6 notice of the forfeiture action; that any and all other unknown potential claimants have been served by
7 publication; and that grounds exist for entry of a final judgment of forfeiture.

8 Therefore, IT IS HEREBY ORDERED:

9 That the Clerk of Court assign a United States District Judge to this matter.

10 Further, IT IS RECOMMENDED as follows:

- 11 1. That Boeger Winery, Alexis Boeger, Convenience Acquisition Company, LLC, the U.S.
12 Small Business Administration, the Wells Fargo Bank Account Holder, and Stanley
13 Usherman be held in default;
- 14 3. That the United States' motion for default judgment and final judgment of forfeiture
15 (ECF No. 16) be granted;
- 16 4. That judgment by default be entered against any right, title, or interest of potential
17 claimants Boeger Winery, Alexis Boeger, Convenience Acquisition Company, LLC, the
18 U.S. Small Business Administration, the Wells Fargo Bank Account Holder, and Stanley
19 Usherman in the defendant funds referenced in the above caption;
- 20 5. That a final judgment be entered, forfeiting all right, title, and interest in the defendant
21 funds to the United States, to be disposed of according to law; and
- 22 6. That these findings and recommendations are submitted to the United States District
23 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within
24 fourteen (14) days after being served with these findings and recommendations, any
25 party may file written objections with the court and serve a copy on all parties. Such a
26 document should be captioned "Objections to Magistrate Judge's Findings and
27 Recommendations." Any reply to the objections shall be served on all parties and filed
28 with the court within fourteen (14) days after service of the objections. The parties are

1 advised that failure to file objections within the specified time may waive the right to
2 appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998);
3 Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

4 Dated: March 25, 2025



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE